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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,553	09/08/2003	Frank Tsai	USP2213A-WPI	3275

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EXAMINER

HAWK, NOAH CHANDLER

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/658,553	Applicant(s) TSAI, FRANK	
	Examiner Noah C. Hawk	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification remains an improper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 46, 47, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanford in US Patent 6112674 in view of Virtue et al. in US Patent 2278810, Palmer in US Patent 4825781 and Pinch in US Patent 6058853. Stanford teaches a banquet table with a tabletop comprising a plastic made top panel (12) with two tabletop supports (42, 44) and a pair of table supporting frames each respectively having a leg frame (18, 20) a supporting means comprising a supporting arm (24, 30) and a folding frame (26, 30). Stanford fails to teach a pair of receiving tracks defined in

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the underside of the tabletop by a surrounding rim having an inner and outer sidewall. Pinch teaches a surrounding rim downwardly extended from the tabletop having an outer sidewall (176) and an inner sidewall (152) that define a receiving track wherein table supports (166) are securely mounted. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the tabletop of Stanford by adding a receiving track formed by a surrounding rim with an inner and outer sidewall as taught by Pinch in order to provide a more secure mounting means for the tabletop supports. Stanford, as modified, fails to teach that the supporting arm has two arm segments. Virtue teaches a two-part supporting arm (32). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the supporting arm of Stanford, as modified, by using two arms as taught by Virtue in place of one in order to provide a more stable support structure for the tabletop. Stanford, as modified, fails to teach that the arms are L-shaped. Palmer teaches a supporting frame (A) with two L-shaped arms (formed by portions 3 and 4 of frame A) having parallel portions. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the support of Stanford, as modified, by using L-shaped arms as taught by Palmer in order to provide more structural rigidity to the tabletop and to provide more legroom under the table. Stanford, as modified, further teaches a ring shaped locker (108) slidably mounted to the supporting arms.

4. Claims 50, 51, 54 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanford, as modified, as applied to claim 47 above and further in view of Pinch. Stanford, as modified, further teaches an attachment arrangement

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comprising holes in the tabletop supports (ref 46. and column 14, lines 5-7) to receive the ends of the leg frames and the supporting members. Although Stanford doesn't teach a specific number of attachment holes, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device tabletop supports of Stanford, as modified, by using an appropriate number of holes in the tabletop supports in order to accommodate all of the arms of the table supporting frames. Stanford, as modified, fails to teach a plurality of guiding slots in the inner sidewall of the surrounding rim to align with the attachment holes or that the tabletop is foldable. Pinch teaches a plurality of guiding slots (160) formed on the inner sidewall of the surrounding rim to align with an attachment arrangement. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the inner sidewalls of Stanford, as modified, by using guiding slots therein, as taught by Pinch, in order to provide a means to more positively align the arms of the supporting frames with the holes in the tabletop supports. Pinch further teaches a tabletop comprising a folding joint (164) formed between supporting portions of the supporting frames. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the tabletop of Stanford, as modified, by using a folding tabletop as taught by Pinch in order to make stowage of the device easier when not in use. Stanford, as modified, further teaches a ring shaped locker (108) slidably mounted to the supporting arms.

5. Claims 48, 49, 53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanford, as modified, and further in view of Witkowiak in US Patent 2695828 and Pinch. Stanford, as modified, fails to teach an attachment arrangement

comprising attachment members and mounting members. Witkowiak discloses mounting foldable leg frames to a supporting siderail using attachment members (16) extending from the siderail that are inserted into the leg frames (see Witkowiak, Fig. 2) but does not disclose four attachment members and four coupling members. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Stanford, as modified, by using an attachment arrangement of members extending from the siderail to be inserted in the frame segments as taught by Witkowiak, and in an appropriate number to accommodate all of the frame segments that needed to be attached in order to provide a more secure mounting means for the support members. Stanford, as modified, fails to teach a plurality of guiding slots in the inner sidewall of the surrounding rim to align with the attachment members and coupling members or that the tabletop is foldable. Pinch teaches a plurality of guiding slots (160) formed on the inner sidewall of the surrounding rim to align with an attachment arrangement (in this case, the attachment and coupling members). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the inner sidewalls of Stanford, as modified, by using guiding slots therein, as taught by Pinch, in order to provide a means to more positively align the arms of the leg frames and supporting frames with the attachment and coupling members on the tabletop supports. Pinch further teaches a tabletop comprising a folding joint (164) formed between supporting portions of the supporting frames. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the tabletop of Stanford, as modified, by using a folding tabletop as taught by Pinch in order to make stowage of the

device easier when not in use. Stanford, as modified, further teaches a ring shaped locker (108) slidably mounted to the supporting arms.

6. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanford, as modified, further in view of Pinch. Stanford, as modified, fails to teach that the tabletop is foldable. Pinch further teaches a tabletop comprising a folding joint (164) formed between supporting portions of the supporting frames. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the tabletop of Stanford, as modified, by using a folding tabletop as taught by Pinch in order to make stowage of the device easier when not in use.

Response to Arguments

7. Applicant's arguments filed 3/28/06 have been fully considered but they are not persuasive.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the features of the Pinch, Palmer, virtue and Witkowiak documents have been used to teach specific aspects of table supporting structures rather than entire devices.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/3/06


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